

By the Board, David M. Konschnik,
Director, Office of Proceedings.
Vernon A. Williams,
Secretary.
[FR Doc. 96-1054 Filed 1-23-96; 8:45 am]
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Surface Transportation Board¹

[Docket No. AB-43 (Sub-No. 161X)]

Illinois Central Railroad Company; Abandonment Exemption; in Cook County, IL

Illinois Central Railroad Company (IC) has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon its 0.4-mile line of railroad between milepost CI-7.8 and milepost CI-8.2 in McCook, in Cook County, IL.

IC has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (service of environmental report on agencies), 49 CFR 1105.8 (service of historic report on State Historic Preservation Officer), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (service of verified notice on governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial

revocation under 49 U.S.C. 10505(d) [now 10502(d)] must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on February 23, 1996, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),³ and trail use/rail banking requests under 49 CFR 1152.29⁴ must be filed by February 5, 1996. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by February 13, 1996. An original and 10 copies of any such filing must be sent to the Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Ave., N.W., Washington, DC 20423. In addition, one copy must be served on Myles L. Tobin, Associate General Counsel, Illinois Central Railroad Company, 455 North Cityfront Plaza Drive, 20th Floor, Chicago, IL 60611.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

IC has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Board's Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by January 29, 1996. A copy of the EA may be obtained by writing to SEA (Room 3219, Surface Transportation Board, Washington, DC 20423) or by calling Elaine Kaiser at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: January 18, 1996.

By the Board, David M. Konschnik,
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Vernon A. Williams,
Secretary.
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Surface Transportation Board¹

[Finance Docket No. 32843]

Norfolk and Western Railway Company and The Cincinnati, New Orleans and Texas Pacific Railway Company; Trackage Rights Exemption; Consolidated Rail Corporation

Consolidated Rail Corporation (Conrail) has agreed to grant overhead trackage rights to Norfolk and Western Railway Company and The Cincinnati, New Orleans and Texas Pacific Railway Company (collectively, NS), over the following trackage: (1) Approximately 6.1 miles between Bannock, milepost 137.6 at South Columbus, and CP-Camp, milepost 131.5 at Columbus, OH; (2) approximately 0.6 miles between CP-Camp, milepost 131.5, and the Auburn Switch, milepost 139.7 at Columbus, OH; and (3) approximately 115.3 miles between the Auburn Switch, milepost 139.7, and milepost 255.0 at Cincinnati, OH. Overhead trackage rights also are granted by Conrail to NS over a secondary route in and around Columbus, OH, as follows: (1) Approximately 5.2 miles between CP-Camp, milepost 131.5, and CP-Mounds, milepost 126.3 at Columbus, OH, and (2) approximately 5.9 miles between CP-Mounds and W. Alton, milepost 146.0 at Columbus, OH. The total trackage rights over both routes is 133.1 miles.

The purpose of this transaction is to provide NS with a more efficient route for traffic moving between or through Cincinnati and Columbus, OH. The trackage rights were to become effective on or after December 29, 1995.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the

¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (the Act), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Surface Transportation Board (Board). Section 204(b)(1) of the Act provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the Act. This notice relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10903. Therefore, this notice applies the law in effect prior to the Act, and citations are to the former sections of the statute, unless otherwise indicated.

² The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

³ See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

⁴ The Board will accept late-filed trail use requests so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

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